

Matthew O. Clifford  
6280 Canning St. #1  
Oakland, CA 94609  
(406) 370-9431  
[cliffmatt@gmail.com](mailto:cliffmatt@gmail.com)  
Attorney for proposed *amici curiae*

**FILED**

**JAN 10 2012**

PATRICK E. DUFFY, CLERK  
By DEPUTY CLERK, MISSOULA

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

FRIENDS OF THE WILD SWAN, a non-profit )  
organization; ALLIANCE FOR THE WILD )  
ROCKIES, a non-profit organization; )  
MONTANA ECOSYSTEM DEFENSE ) CV 11-125-M-DWM  
COUNCIL, a non-profit organization; and )  
the NATIVE ECOSYSTEMS COUNCIL, a )  
non-profit organization, ) BRIEF IN SUPPORT  
Plaintiffs, ) OF UNOPPOSED  
vs. ) MOTION OF THE  
 ) WILDERNESS  
 ) SOCIETY, ET AL.  
 ) FOR LEAVE TO FILE  
 ) AMICUS BRIEF  
DEBORAH L.R. AUSTIN, in her official capacity )  
as Forest Supervisor for the Lolo National Forest; )  
LESLIE WELDON, in her official capacity as )  
Regional Forester for the United States Forest )  
Service, Region One; the UNITED STATES )  
FOREST SERVICE, an agency of the United )  
States Department of Agriculture; ROWAN )  
W. GOULD, in his official capacity as acting )  
director of the U.S. Fish & Wildlife Service; the )  
UNITED STATES FISH & WILDLIFE SERVICE,) an agency of the United States Department of the )  
Interior, )  
Defendants. )  
\_\_\_\_\_ )

## **I. INTRODUCTION**

Pursuant to Local Rule 7.5(a), proposed amici curiae The Wilderness Society, Montana Wood Products Association, National Wildlife Federation, Montana Wilderness Association, Seeley Lake Rural Fire District, Northwest Connections, Orville Daniels, and Bill Wall, PhD offer the following brief in support of their Unopposed Motion For Leave to File an Amicus Brief. Counsel for Plaintiffs has been contacted and does not object to this motion.

## **II. ARGUMENT**

### **A. Proposed Amici Curiae and Their Interest in This Matter**

The Wilderness Society (“TWS”) is a non-profit education and advocacy organization with more than 500,000 members and supporters in the United States, including over 1,000 in Montana. TWS works to protect the nation’s public lands – the 635 million acres owned by the people and managed by the government.

The Montana Wood Products Association (“MWPA”) was founded in 1972 and has served as a major voice for the wood products industry while actively dealing with timber, logging, and wood products manufacturing issues in the public area, and with state and federal government. MWPA’s membership includes a diverse group of companies and individuals involved in all facets of Montana’s wood products industry. MWPA works to educate the public about the positive contributions the forest products industry makes to Montana’s economy

and environment, and works with the Forest Service and the State of Montana to ensure a steady, reliable timber supply for our mills.

The National Wildlife Federation is a non-profit conservation education and advocacy organization with over 4,000,000 members and supporters in the United States. The Federation works in communities across the country to protect and restore wildlife and wildlife habitat, and to connect people with nature. In pursuing these goals, the Federation participates extensively in Forest Service land management decisions throughout the 191 million acres of the National Forest System.

The Montana Wilderness Association (“MWA”) is a non-profit organization founded in 1958 to work with communities to protect Montana’s wilderness heritage, quiet beauty and outdoor traditions now and for future generations. Representing over 5,500 members, MWA is Montana’s largest grassroots wilderness organization. MWA staff and volunteers regularly participate in developing Forest Service land management policies and projects, including the Colt Summit Project.

Northwest Connections is a non-profit organization based in Condon, Montana that works to integrate science, education, and community in the conservation of rural landscapes. By building community into the conservation of the Swan Valley area, Northwest Connections seeks to build bridges between state

and federal level conservation policies and the rural people who live, work, and depend on these lands. Northwest Connections is extensively involved in working with the Forest Service and a diverse range of citizens to develop restoration projects similar to the Colt Summit Project.

The Seeley Lake Rural Fire District is a volunteer fire department with approximately 45 volunteer firefighters who provide fire protection to the Seeley Lake area. The District participates in developing land management projects that address catastrophic wildfire danger on National Forest Lands in the Seeley Lake area, including the Colt Summit Project.

Orville Daniels, now retired, is a former Lolo National Forest Supervisor. He currently serves on the steering committee of the Blackfoot Clearwater Stewardship Project, a diverse group of conservationists, loggers, snowmobilers, outfitters, and local landowners with a broad-based vision for the landscape of the upper Blackfoot Valley. He is also a member of the Montana Forest Restoration Committee, a volunteer consensus-based collaborative group dedicated to developing a collective vision of ecologically-appropriate, scientifically-supported forest restoration based on the “zone of agreement” where controversy, delays, appeals, and litigation are significantly reduced.

Bill Wall, PhD is a Certified Wildlife Biologist with The Wildlife Society, a resident of Seeley Lake and the owner of Sustainability, Inc., a biomass and

wildlife conservation consulting firm. He serves on the steering committee of the Blackfoot Clearwater Stewardship Project, and on the board of the Clearwater Resource Council, a non profit organization that works to initiate and coordinate efforts that will enhance, conserve, and protect the natural ecosystems and rural lifestyle of the Clearwater River region of Montana for present and future generations.

Proposed amici have a strong interest in this case because each has invested a great deal of time and resources participating in collaborative processes, including the Collaborative Forest Landscape Restoration Act of 2009 (“CFLRA”), that are designed to move land management projects forward despite deep and longstanding divisions among interest groups over the management of National Forest lands in Montana. Those processes enable a diverse range of citizens to work with the Forest Service to develop projects that improve the condition of the land and ecosystems, provide economic resources, and gain strong community support, while complying with all applicable laws governing the management of National Forests.

Proposed amici believe strongly that the Colt Summit project, which many of them have spent countless hours helping to develop, will provide crucial restoration benefits in a manner that complies with all laws cited in the Plaintiffs’ Complaint. Moreover, proposed amici believe the outcome of this case could have

serious implications for the future of similar ongoing collaborative efforts, and the continued willingness of the public to engage in them.

### **B. Why an Amicus Brief is Desirable and Relevant**

An amicus brief is desirable and relevant in this case because proposed amici offer expertise and perspectives that will be valuable to the Court and are not provided by any other party. While Plaintiffs agree with the Forest Service's position that the Colt Summit Project complies with the laws cited in the Complaint, as citizen groups they provide an outside perspective on the application of those laws to the facts of this case that differs from that of the agency. And while proposed amici include non-profit organizations and individuals that, like Plaintiffs, are dedicated to promoting ecosystem health, they offer a dramatically different understanding of the effects the Colt Summit will have on that value than do Plaintiffs. For these reasons, proposed amici submit that an amicus brief setting forth their views on the merits of this case will be of value to the Court.

### **C. Proposed Timing of Amicus Brief**

Should the Court grant their motion, the movants propose that the Court order their amicus brief be submitted on the same date as the Defendant's brief in response to Plaintiffs' motion for summary judgment – February 27, 2012.

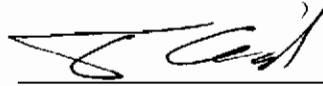
## **III. CONCLUSION**

For the foregoing reasons, proposed amici respectfully request that the Court



grant their motion for leave to file an amicus brief in this matter.

DATED January 7, 2011

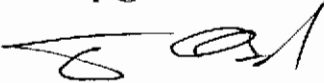


Matthew O. Clifford  
Counsel for proposed *amici curiae*

### CERTIFICATE OF SERVICE

I certify that on January 7, 2012, I served a copy of the foregoing Brief in Support of Unopposed Motion for Leave to File Amicus Brief via first-class mail and electronic mail on the following:

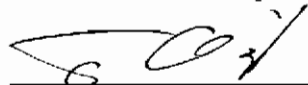
Matthew Bishop  
Western Environmental Law Center  
103 Reeder's Alley  
Helena, MT 59601  
[bishop@westernlaw.org](mailto:bishop@westernlaw.org)



Matthew O. Clifford

### CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(d)(2)(E)

I certify that this brief contains 1063 words, exclusive of caption and certificates of service and compliance.



Matthew O. Clifford